

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

July 23, 2014

[Cite as *07/23/2014 Case Announcements*, 2014-Ohio-3195.]

MERIT DECISIONS WITH OPINIONS

2013-1162. State ex rel. Johnson v. Jensen, Slip Opinion No. 2014-Ohio-3159.

Lucas App. No. L-13-1098, 2013-Ohio-3090. Judgment affirmed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2013-1252. Disciplinary Counsel v. Turner, Slip Opinion No. 2014-Ohio-3158.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 2012-078. Talbert Randall Turner, Attorney Registration No. 0016670, is suspended from the practice of law for two years, with the entire suspension stayed on condition.

O'Connor, C.J., and Pfeifer, O'Donnell, French, and O'Neill, JJ., concur.

Lanzinger, J., dissents and would impose an actual suspension of one year.

Kennedy, J., not participating.

2013-1988. Disciplinary Counsel v. Daniell, Slip Opinion No. 2014-Ohio-3161.

On Certified Report by the Board of Commissioners on Grievances and Discipline, No. 2012-086. Ric Daniell, Attorney Registration No. 0032072, is suspended from the practice of law for one year, with the entire suspension stayed on conditions.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

MERIT DECISIONS WITHOUT OPINIONS

2014-0268. State ex rel. Rohrer v. Holzapfel.

In Mandamus and Prohibition. On consideration of answers of respondents Jane Krason and Hon. Leonard Holzapfel and motions for judgment on the pleadings of

Jane Krason and Hon. Leonard Holzapfel. Motions for judgment on the pleadings granted. Cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Kennedy, French, and O'Neill, JJ., concur.

Lanzinger, J., dissents and would grant an alternative writ.

2014-0316. Bank of New York Mellon v. Adams.

Cuyahoga App. No. 99399, 2013-Ohio-5572. This cause, here on a certification of a conflict by the Court of Appeals for Cuyahoga County, was considered in the manner prescribed by law. On consideration thereof, the judgment of the court of appeals is affirmed on the authority of *CitiMortgage, Inc. v. Roznowski*, 139 Ohio St.3d 299, 2014-Ohio-1984, 11 N.E.3d 1140.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, and French, JJ., concur.

O'Neill, J., dissents for the reasons stated in his dissenting opinion in *CitiMortgage, Inc. v. Roznowski*, 139 Ohio St.3d 299, 2014-Ohio-1984, 11 N.E.3d 1140.

2014-0334. In re Lowery v. Johnson.

In Mandamus. On complaint in mandamus of Charles B. Lowery. On S.Ct.Prac.R. 12.04 determination, cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2014-0485. SRMOF 2009-1 Trust v. Lewis.

Butler App. Nos. CA2012-11-239 and CA2013-05-068, 2014-Ohio-71. This cause is pending before the court on the certification of a conflict by the Court of Appeals for Butler County. On May 14, 2014, this court determined that a conflict existed on both issues identified by the court of appeals and held Issue 2 for *CitiMortgage, Inc., v. Roznowski*. It is ordered by the court that judgment of the court of appeals is affirmed on the authority of *CitiMortgage, Inc. v. Roznowski*, 139 Ohio St.3d 299, 2014-Ohio-1984, 11 N.E.3d 1140. Briefing shall continue on Issue 1.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, and French, JJ., concur.

O'Neill, J., dissents from the disposition of Issue 2 for the reasons stated in his dissenting opinion in *CitiMortgage, Inc. v. Roznowski*, 139 Ohio St.3d 299, 2014-Ohio-1984, 11 N.E.3d 1140.

2014-0777. State ex rel. Worthy v. Marcelain.

In Mandamus. On motion to dismiss. Motion granted. Cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2014-0781. State ex rel. Meyers v. Cicconetti.

In Prohibition. On motion to dismiss. Motion granted. Cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2014-0815. State ex rel. Chappell v. Evans.

In Prohibition. On motion to dismiss. Motion granted. Cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2014-0823. State ex rel. Taylor v. Judge Presiding over Montgomery Cty. Court of Common Pleas Case Nos. 2004 CR 2771 and 2004 CR 1799.

In Mandamus. On motion to dismiss. Motion granted. Cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

2014-0838. In re Waters v. Bruewer.

In Procedendo. On motion to dismiss. Motion granted. Cause dismissed.

O'Connor, C.J., and Pfeifer, O'Donnell, Lanzinger, Kennedy, French, and O'Neill, JJ., concur.

MOTION AND PROCEDURAL RULINGS

2014-0052. State ex rel. Scripps Media, Inc. v. Hunter.

Hamilton App. No. C-130241. Sua sponte, cause dismissed as moot.

Lanzinger, J., dissents and would issue an order to show cause.

2014-0804. Corban v. Chesapeake Exploration, L.L.C.

Certified Question of State Law, United States District Court, Southern District of Ohio, Eastern Division, No. 2:13-CV-246. On review of preliminary memoranda pursuant to S.Ct.Prac.R. 9.05. The court will answer the following questions:

(1) Does the 2006 version or the 1989 version of the ODMA apply to claims asserted after 2006 alleging that the rights to oil, gas, and other

minerals automatically vested in the surface land holder prior to the 2006 amendments as a result of abandonment?

(2) Is the payment of a delay rental during the primary term of an oil and gas lease a title transaction and “savings event” under the ODMA?

Lanzinger and Kennedy, JJ., concur but would hold consideration of the second question for the decision in 2014-0067, *Chesapeake Exploration, L.L.C. v. Buell*, Certified Question of State Law, United States District Court, Southern District of Ohio, Eastern Division, No. 2:12-CV-916.

O’Donnell, J., dissents.

2014-0900. State v. Haney.

Lake App. No. 2012-L-098, 2013-Ohio-2823. On motion for delayed appeal. Motion denied.

2014-0908. State v. Lumpkin.

Clark App. No. 2011-CA-80, 2013-Ohio-810. On motion for delayed appeal. Motion denied.

2014-0952. State v. Wright.

Summit App. No. 25280, 2010-Ohio-5106. On motion for delayed appeal. Motion denied.

Pfeifer, J., dissents.

2014-0969. State v. McGrath.

Cuyahoga App. No. 101128. On motion for delayed appeal. Motion denied.

Lanzinger, Kennedy, and O’Neill, JJ., dissent.

2014-0976. State v. Lloyd.

Warren App. No. CA2013-09-080. On motion for delayed appeal. Motion denied.

Kennedy and O’Neill, JJ., dissent.

2014-0978. Boone Coleman Constr., Inc. v. Piketon.

Pike App. No. 13CA836, 2014-Ohio-2377. On motion to stay judgment of the court of appeals. Motion denied.

2014-0984. State v. Wilson.

Cuyahoga App. No. 97350, 2012-Ohio-1952. On motion for delayed appeal. Motion denied.

2014-0985. State v. Cruz-Altunar.

Franklin App. No. 11AP-1114, 2012-Ohio-4833. On motion for delayed appeal. Motion denied.

French, J., not participating.

2014-0986. State v. Bradford.

Stark App. No. 2013 CA 00124, 2014-Ohio-904. On motion for delayed appeal. Motion denied.

Pfeifer, Lanzinger, and O'Neill, JJ., dissent.

2014-0991. State v. Chatmon.

Cuyahoga App. No. 99508, 2013-Ohio-5245. On motion for delayed appeal. Motion denied.

2014-0995. State v. Zdzierak.

Hamilton App. No. C-130299. On motion for delayed appeal. Motion denied.

APPEALS ACCEPTED FOR REVIEW

2014-0708. Laboy v. Grange Indemn. Ins. Co.

Cuyahoga App. No. 100116, 2014-Ohio-1516. Discretionary appeal accepted on Proposition of Law Nos. I and II.

O'Donnell, Kennedy, and French, JJ., would also accept the appeal on Proposition of Law Nos. III and IV.

O'Connor, C.J., and Pfeifer and O'Neill, JJ., dissent.

2014-0735. C.K. v. State.

Cuyahoga App. No. 100193, 2014-Ohio-1243.

Kennedy, J., would accept the appeal on Proposition of Law No. I only.

O'Connor, C.J., and French, J., dissent.

APPEALS NOT ACCEPTED FOR REVIEW

2014-0432. State v. Prade.

Summit App. No. 26775, 2014-Ohio-1035. Discretionary appeal not accepted. Motion to extend stay denied.

Pfeifer, Acting C.J., and O'Neill and Froelich, JJ., dissent.

Jeffrey E. Froelich, J., of the Second Appellate District, sitting for O'Connor, C.J.

2014-0498. First N. Corp. v. Olmsted Falls Bd. of Zoning Appeals.

Cuyahoga App. No. 99681, 2014-Ohio-487. Discretionary appeal and cross-appeal not accepted.

Pfeifer and O'Neill, JJ., dissent.

O'Donnell, J., dissents and would accept the appeal.

2014-0502. State v. Brown.

Hamilton App. No. C-130120.

Pfeifer, French, and O'Neill, JJ., dissent.

2014-0503. State v. Washington.

Hamilton App. No. C-130213.

Pfeifer, French, and O'Neill, JJ., dissent.

2014-0520. Culp v. Olukoga.

Scioto App. No. 12CA2470, 2013-Ohio-5211.

2014-0524. State v. Marrero.

Lorain App. No. 12CA010282, 2014-Ohio-553.

2014-0562. ProMedica Fed. Credit Union v. Wardrop.

Lucas App. No. L-13-1075, 2014-Ohio-965.

2014-0583. State v. Miniffee.

Cuyahoga App. No. 99202, 2014-Ohio-694.

2014-0602. McCoy v. Oswalt.

Licking App. No. 13-CA-128. Discretionary appeal not accepted. Motion to supplement denied as moot.

2014-0643. State v. Crawley.

Cuyahoga App. No. 99636, 2014-Ohio-921.

Kennedy and O'Neill, JJ., dissent.

2014-0644. Wells Fargo Bank, N.A. v. Perkins.

Franklin App. No. 13AP-318, 2014-Ohio-1459.

2014-0645. State v. Williams.

Hamilton App. No. C-130277, 2014-Ohio-1526.

2014-0647. Fisher v. Archdiocese of Cincinnati.

Hamilton App. No. C-130295, 2014-Ohio-944.

O’Neill, J., dissents.

2014-0653. Wells Fargo Bank, N.A. v. Bischoff.

Wood App. No. WD-13-045, 2014-Ohio-967.

2014-0658. State v. Rodriguez.

Summit App. No. 26858, 2014-Ohio-911.

French and O’Neill, JJ., dissent.

2014-0660. State v. Gibbs.

Geauga App. No. 2012-G-3123, 2014-Ohio-1341.

2014-0664. State v. McConnell.

Montgomery App. No. 19993, 2004-Ohio-4263.

2014-0667. Cireddu v. Clough.

Lake App. No. 2012-L-103, 2014-Ohio-2454.

O’Neill, J., dissents.

2014-0669. Johnson v. Auls.

Franklin App. No. 13AP-1047.

2014-0672. Keybank Natl. Assn. v. Smith.

Butler App. No. CA2013-12-237.

2014-0673. State v. Lynch.

Lorain App. No. 13CA010357, 2014-Ohio-968.

2014-0676. York v. Hutchins.

Butler App. No. CA2013-09-173, 2014-Ohio-988.

2014-0679. Brook v. Hayes.

Crawford App. No. 3-13-16.

O’Donnell and O’Neill, JJ., dissent.

2014-0682. Hetzer-Young v. Elano Corp.
Greene App. No. 2013-CA-32, 2014-Ohio-1104.
O'Donnell and O'Neill, JJ., dissent.

2014-0685. Elkins v. Reed.
Stark App. No. 2013CA0091, 2014-Ohio-1217.
Kennedy, J., dissents and would accept the appeal on Proposition of Law Nos. I and II.

2014-0686. Elkins v. Reed.
Stark App. No. 2013CA0090, 2014-Ohio-1216.
Kennedy, J., dissents and would accept the appeal on Proposition of Law Nos. I and II.

2014-0687. State v. Thompson.
Cuyahoga App. No. 99846, 2014-Ohio-1056.

2014-0689. Anderson v. Mitchell.
Cuyahoga App. No. 99876, 2014-Ohio-1058.

2014-0690. State v. West.
Cuyahoga App. No. 100226, 2014-Ohio-1626.

2014-0692. Boddie v. Van Steyn.
Franklin App. No. 13AP-623, 2014-Ohio-1069.
French, J., not participating.

2014-0695. State v. Hosseinipour.
Delaware App. No. 13 CAA 050046, 2014-Ohio-1090.
O'Connor, C.J., dissents and would accept the appeal on Proposition of Law No. IV and would hold the cause for the decision in 2013-0781, *State v. Castagnola*, 9th Dist. Summit Nos. 26185 and 26186, 2013-Ohio-1215.
Pfeifer and O'Neill, JJ., dissent.

2014-0696. State v. Messenger.
Marion App. No. 9-13-55.

2014-0698. Ferreri v. Ferreri.
Trumbull App. No. 2013-T-0006, 2013-Ohio-4314.
O'Neill, J., dissents.

2014-0699. State v. Jackson.

Cuyahoga App. No. 99929, 2014-Ohio-927.

2014-0701. Wilson v. Durrani.

Hamilton App. No. C-130234, 2014-Ohio-1023.

2014-0702. In re D.R.

Cuyahoga App. Nos. 100034 and 100035.

O'Donnell, Kennedy, and O'Neill, JJ., dissent.

2014-0703. State v. Williams.

Cuyahoga App. No. 99859, 2014-Ohio-1057.

O'Neill, J., dissents.

2014-0704. State v. Sparks.

Warren App. Nos. CA2013-02-010 and CA2013-02-015, 2014-Ohio-1130.

O'Donnell, J., dissents.

Kennedy, J., dissents and would hold the cause for the decision in 2013-1129 and 2013-1319, *State v. Griffin*, 2d Dist. Montgomery No. 24001, 2013-Ohio-2230.

2014-0705. Woollacott v. Andreas.

Cuyahoga App. No. 100168, 2014-Ohio-1079.

O'Donnell, J., dissents.

2014-0707. Tuckosh v. Cummings.

Harrison App. No. 13 HA 1, 2014-Ohio-1400.

2014-0713. Chafin v. Ohio Adult Parole Auth.

Franklin App. No. 13AP-646, 2014-Ohio-1192.

2014-0719. Ohio Hous. Fin. Agency v. Harding.

Franklin App. Nos. 13AP-362 and 13AP-459, 2014-Ohio-1187.

Kennedy, J., dissents.

2014-0726. State v. Jordan.

Franklin App. No. 13AP-666, 2014-Ohio-1193.

Pfeifer and Kennedy, JJ., dissent and would hold the cause for 2013-0167, *State v. Bonnell*, 5th Dist. Delaware No. 12CAA030022, 2012-Ohio-5150.

French, J., not participating.

2014-0730. State v. Coleman.

Columbiana App. No. 13 CO 3, 2014-Ohio-1498.

2014-0732. Kopas v. MTR Gaming Group.

Portage App. No. 2013-P-0053, 2014-Ohio-1157.

2014-0734. State v. Hayes.

Erie App. No. E-13-053, 2014-Ohio-1297.

2014-0737. State v. Archer.

Summit App. No. 26848, 2014-Ohio-1207.

2014-0739. State v. Reyes.

Portage App. No. 2013-P-0049, 2014-Ohio-1679.

2014-0751. Smith v. Gold-Kaplan.

Cuyahoga App. No. 100015, 2014-Ohio-1424.

2014-0761. In re R.M.

Hamilton App. No. C-120166, 2014-Ohio-1200.

Pfeifer and O'Neill, JJ., dissent.

French, J., dissents and would accept the appeal on Proposition of Law No. I.

2014-0764. State v. Parish.

Stark App. No. 2013CA00141, 2014-Ohio-1410.

2014-0772. State v. Thompson.

Auglaize App. No. 2-12-18.

2014-0782. State v. Jordan.

Harrison App. No. 06 HA 586, 2014-Ohio-1943.

2014-0788. State v. Jackson.

Cuyahoga App. No. 100048, 2014-Ohio-1514.

2014-0801. State v. Lee.

Montgomery App. No. 25632, 2014-Ohio-627.

2014-0802. State v. Brown.

Summit App. No. 23759.

2014-0816. State v. Greenlee.

Cuyahoga App. No. 100334, 2014-Ohio-1437.

2014-0817. State v. Vore.

Warren App. No. CA2012-07, 2014-Ohio-1583.

2014-0834. State v. Villavicencio.

Cuyahoga App. No. 100367, 2014-Ohio-1522.

O'Neill, J., dissents.

2014-0856. Mun. Realty Corp. v. Ergur.

Lucas App. No. L-13-1241, 2014-Ohio-1557.

O'Donnell, J., dissents.

2014-0865. State v. Stein.

Montgomery App. No. 25432, 2013-Ohio-3050.

2014-0917. Mentor v. Meyers.

Lake App. No. 2012-L-141, 2014-Ohio-2011. Discretionary appeal not accepted. Appellant's motion for stay of the court of appeals' judgment and motion to compel Mentor prosecutor to respond to federal questions of law denied as moot.

O'Donnell, J., dissents.

O'Neill, J., dissents and would accept the appeal on Proposition of Law No. VIII.

RECONSIDERATION OF PRIOR DECISIONS

2010-0576. State v. Mammone.

Stark App. No. 2009-CR-0859. Reported at ___ Ohio St.3d ___, 2014-Ohio-1942, ___ N.E.3d ___. On motion for reconsideration. Motion denied.

2013-0096. Cleveland v. McCardle.

Cuyahoga App. Nos. 98230 and 98231, 2012-Ohio-5749. Reported at ___ Ohio St.3d ___, 2014-Ohio-2140, ___ N.E.3d ___. On motion for reconsideration.

Motion denied.

Pfeifer, J., dissents.

2013-0992. State ex rel. Harris v. Hamilton Cty. Court of Common Pleas.

Hamilton App. No. C-130260. Reported at 139 Ohio St.3d 149, 2014-Ohio-1612, 9 N.E.3d 1057. On motion for reconsideration. Motion denied.

2014-0269. State v. Quintanilla.

Franklin App. No. 13AP-388, 2013-Ohio-5711. Reported at 139 Ohio St.3d 1405, 2014-Ohio-2245, 9 N.E.3d 1063. On motion for reconsideration. Motion denied.

Pfeifer, J., dissents.

2014-0330. State v. Thompson.

Cuyahoga App. No. 99628, 2014-Ohio-202. Reported at 139 Ohio St.3d 1406, 2014-Ohio-2245, 9 N.E.3d 1063. On motion for reconsideration. Motion denied.

2014-0421. Cashiotta v. Cleveland Div. of Parks & Maintenance.

In Procedendo and Quo Warranto. Reported at 139 Ohio St.3d 1402, 2014-Ohio-2245, 9 N.E.3d 1060. On motion for reconsideration. Motion denied.

2014-0440. State v. Rarden.

Butler App. No. CA2013-07-125, 2014-Ohio-564. Reported at 139 Ohio St.3d 1407, 2014-Ohio-2245, 9 N.E.3d 1064. On motion for reconsideration. Motion denied.

2014-0447. State ex rel. Humberto v. Franklin Cty. Common Pleas Court.

In Mandamus. Reported at 139 Ohio St.3d 1402, 2014-Ohio-2245, 9 N.E.3d 1061. On motion for reconsideration. Motion denied.

2014-0579. State v. Brown.

Mahoning App. No. 11 MA 117, 2013-Ohio-5528. Reported at 139 Ohio St.3d 1403, 2014-Ohio-2245, 9 N.E.3d 1061. On motion for reconsideration. Motion denied.

Lanzinger, J., dissents.